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SENATE BILL 111

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Steven P. Neville

AN ACT

RELATING TO CONTROLLED SUBSTANCES; CREATING A NEW CRIME OF  
CONSUMPTION OF A CONTROLLED SUBSTANCE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Controlled Substances Act  
is enacted to read:

"~~[NEW MATERIAL]~~ CONSUMPTION OF A CONTROLLED SUBSTANCE.--

A. Consumption of a controlled substance consists  
of taking into the body a controlled substance or a controlled  
substance analog that was not obtained pursuant to a valid  
prescription or order of a practitioner acting in the course of  
professional practice or as otherwise authorized by the  
Controlled Substances Act.

B. A blood, urine or other medical test that  
indicates that a person has consumed a controlled substance or

underscoring material = new  
[bracketed material] = delete

1 a controlled substance analog is prima facie evidence of  
2 consumption of a controlled substance in the county where the  
3 test was obtained.

4 C. It is an affirmative defense to a prosecution  
5 brought pursuant to this section that the person involuntarily  
6 or unknowingly consumed the controlled substance or controlled  
7 substance analog.

8 D. Whoever commits consumption of a controlled  
9 substance is guilty of a petty misdemeanor."

10 Section 2. EFFECTIVE DATE.--The effective date of the  
11 provisions of this act is July 1, 2009.